

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

CORNELIUS TAYLOR

PLAINTIFF

VS.

CIVIL ACTION NO. 3:11cv260-FKB

MARGARET BINGHAM, et al.

DEFENDANTS

ORDER

Cornelius Taylor, a state inmate, brought this action pursuant to 42 U.S.C. § 1983 alleging denial of due process in a prison disciplinary hearing. A *Spears*¹ hearing has been held, and the parties have consented to jurisdiction by the undersigned. Presently before the Court is Taylor's motion for summary judgment. Having considered the motion, the Court concludes that it should be denied. Furthermore, for the reasons set forth herein, the Court finds that this action should be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Taylor received a Rules Violation Report (RVR) as a result of testing positive on a random drug test. As punishment, he was prohibited from singing in the prison choir for several months. Taylor claims that issuance of the RVR violated his constitutional rights because the test sample was mishandled and because the disciplinary hearing officer did not properly consider the evidence and was biased against Plaintiff.

A prisoner's challenge to a prison disciplinary proceeding is limited to situations where a denial of due process implicates a constitutionally-protected interest. See *Johnson v. Rodriguez*, 110 F.3d 299, 308 (5th Cir. 1997). Plaintiff has no constitutionally-

¹ See *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).

protected interest in singing in the prison choir. For this reason, Plaintiff's claim fails as a matter of law. His motion is denied, and this action is hereby dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

A separate judgment will be entered.

SO ORDERED this the 18th day of March, 2013.

/s/ F. Keith Ball

UNITED STATES MAGISTRATE JUDGE